

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 530 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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VAJABHAI KIRABHAI TARAL

Versus

STATE OF GUJARAT

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Appearance:

MR RAJESH M AGRAWAL for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 11/09/98

ORAL JUDGEMENT

1. Heard Mr.R.M.Agrawal for petitioner. Ld.APP  
Ms.B.R.Gajjar appeared on behalf of respondent Nos 1 & 2.  
The petitioner has claimed further investigation under  
section 173(8) of Cr.P.C.(hereinafter referred to as "the  
Code") in respect to offence registered vide Cr.Reg.No.I  
44/98 of Ambaji PS , Banaskantha Dist.by CID(Crime),  
Banaskantha at Palanpur or anyother independent

investigating agency on the allegation that in respect to subject incident culprits approached the concerned police party serving under respondent No.2 and have managed to misdirect the investigation. It is alleged that though during the incident a robbery has taken place and an ear-ring of 1/4 tola of Gold and Rs.200/- have been robbed from the present petitioner the respondent No.2 has not carried proper investigation and has filed chargesheet against only one person. The petitioner has also alleged that despite representations through concerned MLA and Home Department no investigation is made against (i) Nevabhai Hojabhai Parmar, (ii) Makanbhai Ramanbhai Gamar (iii) Parathabhai Narsabhai Kodarvi and (iv) Narsabhai Fulabhai Kodarvi for the alleged offence of robbery and murder.

2. In response to rule issued by this court, PSI Mr.Chavda has filed affidavit which is taken on record vide page Nos 19 to 24. PSI Shri Chavda has denied the allegations made by the petitioner in the petition and has remained present today with police diary and other papers. However, he has shown his willingness to make further investigation if proper directions are given.

3. In overall consideration of the facts and circumstances apparent from the petition as well as documents annexed with earlier petition being S.Cr.A No.471/98 it prima facie appears that looking to the injuries found on the dead body of the deceased suggest that more than one weapon and more than one person might have been involved in the said incident of robbery and murder. The petitioner has stated on oath that four persons named hereinabove are the persons who are involved in the said incident of robbery and thereby it would be worthwhile to give direction to Dy.SP to look into the matter and to supervise further investigation into the matter and to file report if any in addition to original chargesheet filed in the competent court.

4. In view of the abovestated discussion the respondent No.1 is directed to carry out further investigation in respect to offence registered vide Cr.Reg.No.44/98 at Ambaji PS, Dist.Banaskantha under the supervision of Dy.SP and particularly with reference to allegations made against aforesaid four persons, and submit further report and/or supplementary chargesheet if any. Rule is made absolute accordingly. No costs.

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